

BOMBAY ACT No. LXII OF 1949.¹

[THE BOMBAY TALUQDARI TENURE ABOLITION ACT, 1949.]

[24th January 1950]

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 28 of 1950.

" " " 3 of 1952.

" " " 38 of 1953.

" " " 42 of 1953.

" " " 1 of 1955.

An Act to abolish the taluqdari tenure in the Province of Bombay.

WHEREAS it is expedient to abolish the taluqdari tenure prevailing in certain parts of the Province of Bombay and to amend the law relating to the revenue administration of the estates held on the said tenure; It is hereby enacted as follows:—

1. (1) This Act may be called the Bombay Taluqdari Tenure Abolition Act, 1949. Short title,
- (2) It extends to the districts of Ahmedabad, Kaira, Broach and the Panchmahals extent and
- as constituted immediately before the 1st day of August 1949. commence-
- (3) It shall come into force on such date as the ²[State] Government may, by notification in the *Official Gazette*, appoint in this behalf. ment.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

Bom.
V of
1879.

(1) "Code" means the Bombay Land Revenue Code, 1879;

³[(1-A) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;]

Bom.
VI of
1888.

(2) "Taluqdars' Act" means the Gujarat Taluqdars' Act, 1888;

(3) "Taluqdari land" means land forming part of a taluqdari estate and includes land forming part of such estate and held by a cadet of a taluqdar's family for the purpose of maintenance;

(4) "Taluqdari tenure" means a land tenure on which the taluqdari land is held;

(5) the words and expressions used in this Act shall be deemed to have the same meaning as they have in the Code.

3. With effect from the date on which this Act comes into force,—

(i) the taluqdari tenure shall wherever it prevails be deemed to have been abolished; and

Abolition of
taluqdari
tenure and
its incidents.

(ii) save as expressly provided by or under the provisions of this Act, all the incidents of the said tenure attaching to any land comprised in a taluqdari estate shall be deemed to have been extinguished.

4. All revenue surveys or revised revenue surveys of taluqdari estates directed by the ²[State] Government under section 4 of the Taluqdars' Act and all settlements made shall be deemed to have been made under Chapters VIII and VIII-A of the Code and the settlement registers and other records prepared of such surveys shall be deemed to have been prepared under the corresponding provisions of the Code. Revenue sur-
veys to be
deemed to be
surveys under
the Code.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1949, Part V, pp. 198-99.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ Clause (1-A) was inserted by Bom. 38 of 1953, s. 3, Second Schedule.

Liability of
taluqdari
land to pay-
ment of land
revenue.

5. (1) Subject to the provisions of sub-section (2),—

(a) all taluqdari lands are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder, and

(b) a taluqdar holding any taluqdari land or a cadet of a taluqdar's family holding any taluqdari land hereditarily for the purpose of maintenance, immediately before the coming into force of this Act, shall be deemed to be an occupant within the meaning of the Code or any other law for the time being in force.

(2) Nothing in sub-section (1) shall be deemed to affect—

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(b) the right of any person to pay jama only under any agreement or settlement recognised under section 23 or under a declaration made under section 22 of the Taluqdars' Act so long as such agreement, settlement or declaration remains in force under the provisions of this Act.

Liability of
permanent
tenant and
inferior hol-
der in posses-
sion of taluq-
dari land to
payment of
land revenue.

2[5A. (1) Notwithstanding anything contained in section 5, a permanent tenant in possession of any taluqdari land, and also an inferior holder holding such land on payment of annual assessment only, shall be deemed to be occupants within the meaning of the Code in respect of such land in their possession and shall be primarily liable to the State Government for the payment of land revenue due in respect of such land, and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as occupants under the Code or any other law for the time being in force :

Provided that—

(a) such permanent tenant shall be entitled to the rights of an occupant in respect of such land on payment to the taluqdar or the cadet, as the case may be,—

(i) of the occupancy price equivalent to four multiples of the assessment fixed for such land, and

(ii) for the extinguishment or modification of any rights of the taluqdar or cadet, as the case may be, including the right of reversion in the land, of a further sum equivalent to two multiples of such assessment ;

(b) such inferior holder shall be entitled to the rights of an occupant in respect of such land on payment to the taluqdar or the cadet, as the case may be,—

(i) of the occupancy price equivalent to two multiples of the assessment fixed for such land, and

(ii) for the extinguishment or modification of any rights of the taluqdar or the cadet, as the case may be, including the right of reversion in the land, of a further sum equivalent to such assessment.

(2) The right conferred under sub-section (1) shall not be exercisable after Bom. a period of two years from the date on which the Bombay Taluqdari Tenure¹ of Abolition (Amendment) Act, 1954, comes into force. 1955.

¹ Clause (a) was deleted by Bom. 42 of 1953, s. 20, Sch. I.

² This section was inserted by Bom. 1 of 1955, s. 2.

Explanation.—For the purposes of this section, 'land' shall have the same meaning as it has in clause (8) of section 2 of the Bombay Tenancy and Agricultural Lands Act, 1948.]

6. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on, or beside, the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals, and water courses, and all standing and flowing water, all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes), which are not situate within the limits of the wantas belonging to a taluqdar in a taluqdari estate shall except in so far as any rights of any person other than the taluqdar may be established in and over the same and except as may otherwise be provided by any law for the time being in force, vest in and shall be deemed to be, with all rights in or over the same or appertaining thereto, the property of the ¹[Government] and all rights held by a taluqdar in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the ²[State Government], to dispose them of as he deems fit, subject always to the rights of way and of other rights of the public or of individuals legally subsisting.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated, if it has not been cultivated for a continuous period of three years immediately before the date on which this Act comes into force.

7. (1) Any taluqdar having any rights in such property shall be entitled to compensation in the manner provided in the following paragraphs, namely:—

(a) ³[on or before the 31st day of March 1952], the taluqdar shall apply in writing to the Collector stating the nature of his right, the grounds of his claim and the amount of compensation claimed by him for the extinguishment of his rights ;

(b) the Collector shall hold a formal inquiry in the manner provided in the Code and if the Collector is satisfied that the applicant had any rights in the land and that such rights have been extinguished under the last preceding section, shall make an award in the manner prescribed in section 11 of the Land Acquisition Act, 1894, subject to the following conditions:—

(i) if the property acquired is waste or uncultivated but is culturable land the amount of compensation shall not exceed three times the assessment of the land :

Provided that if the land has not been assessed the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose ;

¹ This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

² These words were substituted for the word " Commissioner " by Bom. 28 of 1950, s. 4, Schedule.

³ These words, figures and letters were substituted for the words " within a period of twelve months from the date on which this Act comes into force", by Bom. 3 of 1952, s. 2, Schedule.